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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
09/735,058	12/12/2000	Janet A. Barnett	13361	4588
7590	03/19/2004		EXAMINER	
Paul J. Esatto, Jr. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/735,058	BARNETT ET AL
Examiner	Art Unit	
Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 December 2000.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 4 and 6 – 7 are rejected under 35 U.S.C. 102(a) as being unpatentable over PineappleSoft .

Regarding claims 1 and 7, PineappleSoft discloses Jini (a product from Sun Laboratories) to simplify networking to the point where it is embedded in appliances (user devices), and it will be useful to business applications as well. Jini enabled devices will connect to other devices on the network (jini enabled service provider) and the can communicate [page 1].

PineappleSoft discloses that if you plug a Jini-enabled PDA (user device) in a Jini-enabled hotel network (web server), the PDA will immediately offer you the hotel services [page 1].

Regarding claim 2, PineappleSoft discloses Jini-enabled devices services are comprised of:

Client/server capability (remote event notification, service registration)

Dynamic downloading of software [page 2].

Regarding claim 3, PineappleSoft discloses leasing (variety of payment models) [page 2].

Regarding claim 4, PineappleSoft discloses Client/server and java capability (exchange of applet between user and web server) [page 2, 3].

Regarding claim 6, PineappleSoft discloses leasing (sale of software products) [page 1].

Regarding claim 7, PineappleSoft discloses Jini based system [page 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 8, 9, 11 – 13, 15 – 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over PineappleSoft in view of Roxen.com hereinafter known as Roxen and further in view of IBM Corporation hereinafter known as IBM.

Regarding claim 5, PineappleSoft does not disclose LDAP. However, Roxen discloses LDAP to be used for storing data [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and use LDAP to store data to be able to search the directory for entries with a particular set of attributes. PineappleSoft in view of Roxen does not disclose to have security (user information is compared to user information stored in LDAP database). However, IBM discloses to have Security Services [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen as taught by IBM to provide centralized security registry.

Regarding claim 8, PineappleSoft discloses availability of services via web server [page 1]. PineappleSoft does not disclose maintaining database. However, Roxen discloses LDAP (database) to be used for storing data [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and use LDAP to store data to be able to search the directory for entries with a particular set of attributes. PineappleSoft in view of Roxen does not disclose to have security server (user authentication). However, IBM discloses to have Security Services [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen as taught by IBM to provide centralized security registry.

PineappleSoft in view of Roxen does not disclose logging in a user. However, IBM discloses Logging in a user [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen as taught by IBM to secure the system for unauthorized use.

Regarding claim 9, PineappleSoft does not disclose LDAP. However, Roxen discloses LDAP (database) to be used for storing data [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and use LDAP to store data to be able to search the directory for entries with a particular set of attributes.

Regarding claim 11, PineappleSoft does not disclose LDAP. However, Roxen discloses LDAP to be used for storing data [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and use LDAP to store data to be able to search the directory for entries with a particular set of attributes.

Regarding claim 12, PineappleSoft discloses Jini (a product from Sun Laboratories) to simplify networking to the point where it is embedded in appliances (user devices), and it will be useful to business applications as well. Jini enabled devices will connect to other devices on the network (jini enabled service provider) and they can communicate [page 1].

PineappleSoft does not disclose maintaining database. However, Roxen discloses LDAP to be used for storing data (maintaining database) [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and maintain database to store data to be able to search the directory for entries with a particular set of attributes.

PineappleSoft in view of Roxen does not disclose to have logging a user and security (authentication of a user). However, IBM discloses to have Security Services [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify PineappleSoft in view of Roxen as taught by IBM to prevent system from unauthorized users, provide centralized security registry etc.

PineappleSoft discloses that if you plug a Jini-enabled PDA (user device) in a Jini-enabled hotel network (web server), the PDA will immediately offer you the hotel services [page 1], receive information on latest promotions, automatically download information for jini enabled devices (updated product available to user) [page 2] etc.

Regarding claim 13, PineappleSoft does not disclose maintaining database (information stored in database). However, Roxen discloses LDAP to be used for storing data (maintaining database) [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and maintain database to store data to be able to search the directory for entries with a particular set of attributes.

Regarding claim 15, PineappleSoft discloses Remote Service [page 2].

Regarding claim 16, PineappleSoft discloses RMI [page 5].

Regarding claim 17, PineappleSoft in view of Roxen does not disclose distributing jobs across various servers. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Distributed Computing Environment also known as DCE (commercially available at the time of invention) which discloses distributing jobs across various servers. IBM discloses DCE for AIX which allows user to program applications using Remote Procedure Call (RPC) and DCE Threads Compatibility which allows to perform many tasks simultaneously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view Roxen as taught by IBM to take advantage of Distributed Computing Environment Technology and perform multiple tasks simultaneously.

Regarding claim 21, PineappleSoft does not discloses LDAP. However, Roxen discloses LDAP to be used for storing data [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and use LDAP to store data to be able to search the directory for entries with a particular set of attributes.

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over PineappleSoft in view of Roxen.com hereinafter known as Roxen and further in view of IBM Corporation hereinafter known as IBM and Microsoft Corporation hereinafter known as Microsoft.

Regarding claim 10, PineappleSoft in view of Roxen does not disclose load balancing. However, Microsoft discloses Load Balancing in Windows 2000 Advanced Server operating systems for mission critical applications to run 24 hours a day, seven days a week. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen and IBM as taught by Microsoft to have scalability and high availability.

Regarding claim 14, PineappleSoft in view of Roxen does not disclose dynamically relocating code. However, Microsoft discloses to have repartitioning capability and adding of additional servers to the cluster. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen as taught by Microsoft to provide continuous service to users.

Claims 8 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over PineappleSoft in view of Roxen.com hereinafter known as Roxen and further in view of IBM Corporation hereinafter known as IBM, Microsoft Corporation hereinafter known as Microsoft and What's New In Java Servlet API 2.2 an article by Jason Hunter hereinafter known as Hunter.

Regarding claim 18, PineappleSoft in view of Roxen and IBM does not disclose providing a servelet at the web server to read an executable object that is passed there through. However, PineappleSoft discloses Java. Hunter discloses that Java Servlet API is now a required API of the Java 2 Platform. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen and IBM as taught by Hunter to be able to use Java.

Regarding claims 19 – 20, PineappleSoft in view of Roxen, IBM and Hunter disclose DCE CDS (repository for information about resources in the distributed system e.g. executable object). PineappleSoft in view on Roxen and IBM does not discloses Load Balancing. However, Microsoft discloses Load Balancing in Windows 2000 Advanced Server operating systems for mission critical applications to run 24 hours a day, seven days a week. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen,

IBM and Hunter as taught by Microsoft to be able to provide scalability and high availability.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over PineappleSoft in view of Roxen.com hereinafter known as Roxen and further in view of IBM Corporation hereinafter known as IBM and What's New In Java Servlet API 2.2 an article by Jason Hunter hereinafter known as Hunter.

Regarding claim 22, PineappleSoft discloses Jini (a product from Sun Laboratories, computer program available on a computer readable medium) to simplify networking to the point where it is embedded in appliances (user devices), and it will be useful to business applications as well. Jini enabled devices will connect to other devices on the network (jini enabled service provider) and they can communicate with each other [page 1].

PineappleSoft does not disclose maintaining database. However, Roxen discloses LDAP to be used for storing data (maintaining database) [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft as taught by Roxen and maintain database to store data to be able to search the directory for entries with a particular set of attributes.

PineappleSoft in view of Roxen does not disclose to have logging a user and security (authentication of a user). However, IBM discloses to have Security Services [page 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen as taught by IBM to prevent system from unauthorized users, provide centralized security registry etc.

PineappleSoft discloses that if you plug a Jini-enabled PDA (user device) in a Jini-enabled hotel network (web server), the PDA will immediately offer you the hotel services [page 1], receive information on latest promotions, automatically download information for jini enabled devices (updated product available to user) [page 2] etc.

PineappleSoft in view of Roxen and IBM does not disclose providing a servlet at the web server to read an executable object that is passed there through. However, PineappleSoft discloses Java. Hunter discloses that Java Servlet API is now a required API of the Java 2 Platform. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PineappleSoft in view of Roxen and IBM as taught by Hunter to be able to use Java.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. **Installing NetCrusader/CORBA**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig
March 15, 2004

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TECHNOLOGY CENTER 3600